

Mr. CARDIN. Mr. Speaker, regrettably, I cannot support this bill because of the budget implications it would create. The Bush Administration has failed to produce a budget proposal that is fiscally responsible, it has failed to protect the Social Security surplus, and this bill will dip even further into that surplus. We cannot raid the Social Security surplus to reward private schools while we are in the middle of a budget crunch and a public school funding crunch.

There are two measures in H.R. 5203 that I do support. We should extend Section 529 savings accounts so that hard-working parents can attempt to keep pace with rapidly rising higher education costs and give their children the opportunity to go to college by creating education savings accounts. We should also allow parents of military academy students with scholarships to withdraw Section 529 funds without penalty. We must give students who are attending our military academies the same treatment as students with other scholarships. I hope that we can enact a good budget bill that includes these important provisions.

Mr. HULSHOF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Missouri (Mr. HULSHOF) that the House suspend the rules and pass the bill, H.R. 5203, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. McDERMOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of H.R. 5203, the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CERTIFICATION AND STATEMENT OF JUSTIFICATION REGARDING AUSTRALIA GROUP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

Consistent with the resolution of advice and consent to ratification of the

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons—related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, September 4, 2002.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 5 o'clock and 20 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 5203, by the yeas and nays;

H.R. 3287, by the yeas and nays.

The vote on the motion to suspend the rules on House Resolution 94 will be taken tomorrow.

The Chair will reduce to 5 minutes the time for the second electronic vote.

EDUCATION SAVINGS AND SCHOOL EXCELLENCE PERMANENCE ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of sus-

pending the rules and passing the bill, H.R. 5203, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. HULSHOF) that the House suspend the rules and pass the bill, H.R. 5203, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 213, nays 188, not voting 32, as follows:

[Roll No. 371]

YEAS—213

Aderholt	Granger	Paul
Akin	Graves	Pence
Armey	Green (WI)	Peterson (PA)
Bachus	Greenwood	Petri
Baker	Grucci	Pickering
Ballenger	Gutknecht	Pitts
Barcia	Hall (TX)	Platts
Bartlett	Hansen	Pombo
Barton	Hart	Portman
Bass	Hayes	Pryce (OH)
Bereuter	Hayworth	Putnam
Biggert	Hefley	Radanovich
Bilirakis	Herger	Ramstad
Bishop	Hilleary	Regula
Blunt	Hobson	Rehberg
Boehner	Hoekstra	Reynolds
Bonilla	Horn	Riley
Boozman	Hostettler	Rogers (KY)
Brady (TX)	Houghton	Rogers (MI)
Brown (SC)	Hulshof	Ros-Lehtinen
Bryant	Hunter	Royce
Burr	Hyde	Ryan (WI)
Burton	Isakson	Ryun (KS)
Callahan	Israel	Saxton
Calvert	Issa	Schaffer
Camp	Istook	Sensenbrenner
Cannon	Jenkins	Sessions
Cantor	John	Shadegg
Capito	Johnson (CT)	Shaw
Castle	Johnson (IL)	Shays
Chabot	Johnson, Sam	Sherwood
Chambliss	Jones (NC)	Shimkus
Clement	Keller	Shuster
Coble	Kelly	Simmons
Collins	Kennedy (MN)	Simpson
Combest	Kerns	Skeen
Cox	King (NY)	Smith (MI)
Crane	Kingston	Smith (NJ)
Crenshaw	Kirk	Smith (TX)
Cubin	Knollenberg	Souder
Culberson	Kolbe	Stearns
Cunningham	LaHood	Sullivan
Davis, Jo Ann	Larsen (WA)	Sununu
Deal	Latham	Sweeney
DeLay	LaTourette	Tancred
DeMint	Leach	Tauzin
Diaz-Balart	Lewis (CA)	Taylor (NC)
Doolittle	Lewis (KY)	Terry
Dreier	Linder	Thomas
Duncan	LoBiondo	Thornberry
Dunn	Lucas (KY)	Thune
Ehlers	Lucas (OK)	Tiahrt
Emerson	Manzullo	Tiberi
English	Matheson	Toomey
Everett	McCrery	Upton
Ferguson	McInnis	Vitter
Flake	McKeon	Walden
Fletcher	Mica	Walsh
Foley	Miller, Dan	Wamp
Forbes	Miller, Jeff	Watkins (OK)
Fossella	Moran (KS)	Watts (OK)
Frelinghuysen	Myrick	Weldon (FL)
Gallegly	Nethercutt	Weldon (PA)
Ganske	Ney	Weller
Gekas	Northup	Whitfield
Gibbons	Norwood	Wicker
Gilchrest	Nussle	Wilson (NM)
Gillmor	Osborne	Wilson (SC)
Goode	Ose	Wolf
Goodlatte	Otter	Wu
Goss	Oxley	Young (FL)

NAYS—188

Abercrombie	Baldacci	Blumenauer
Ackerman	Becerra	Boehlert
Allen	Bentsen	Bonior
Andrews	Berkley	Borski
Baca	Berry	Boswell
Baird	Blagojevich	Boucher

Boyd Jackson-Lee
 Brady (PA) (TX)
 Brown (FL) Jefferson
 Brown (OH) Johnson, E. B.
 Capps Jones (OH)
 Capuano Kanjorski
 Cardin Kennedy (RI)
 Carson (OK) Kildee
 Clay Kilpatrick
 Clayton Kind (WI)
 Clyburn Kleczka
 Conyers Kucinich
 Costello LaFalce
 Coyne Lampson
 Cramer Langevin
 Cummings Lantos
 Davis (CA) Larson (CT)
 Davis (FL) Lee
 Davis (IL) Levin
 DeFazio Lewis (GA)
 DeGette Lipinski
 Delahunt Lofgren
 DeLauro Lowey
 Deutsch Luther
 Dicks Lynch
 Dingell Maloney (CT)
 Doggett Maloney (NY)
 Dooley Markey
 Doyle Mascara
 Edwards Matsui
 Engel McCarthy (MO)
 Eshoo McCarthy (NY)
 Etheridge McCollum
 Farr McDermott
 Fattah McGovern
 Filner McHugh
 Ford McIntyre
 Frank McKinney
 Frost McNulty
 Gephardt Meehan
 Gonzalez Meek (FL)
 Gordon Meeks (NY)
 Green (TX) Menendez
 Gutierrez Millender
 Harman McDonald
 Hastings (FL) Miller, George
 Hill Mollohan
 Hilliard Moore
 Hinchey Moran (VA)
 Hinojosa Morella
 Hoeffel Nadler
 Holden Napolitano
 Holt Neal
 Honda Oberstar
 Hooley Obey
 Hoyer Oliver
 Inslee Ortiz
 Jackson (IL) Owens

NOT VOTING—32

Baldwin Ehrlich
 Barr Evans
 Barrett Gilman
 Berman Graham
 Bono Hall (OH)
 Buyer Hastings (WA)
 Carson (IN) Kaptur
 Condit Miller, Gary
 Cooksey Mink
 Crowley Murtha
 Davis, Tom Rivers

□ 1854

Ms. ESHOO, Mrs. CAPPS, Mr. SHOWS, Mr. SCHIFF, Mrs. MORELLA, and Mr. BOEHLERT changed their vote from “yea” to “nay.”

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR. PROCESSING AND DISTRIBUTION CENTER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3287.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3287, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 32, as follows:

[Roll No. 372]

YEAS—401

Abercrombie Culberson
 Ackerman Cummings
 Aderholt Cunningham
 Akin Davis (CA)
 Allen Davis (FL)
 Andrews Davis (IL)
 Arney Davis, Jo Ann
 Baca Deal
 Bachus DeFazio
 Baird DeGette
 Baker Delahunt
 Baldacci DeLauro
 Ballenger DeLay
 Barcia DeMint
 Bartlett Deutsch
 Barton Diaz-Balart
 Bass Dicks
 Becerra Dingell
 Bentsen Doggett
 Bereuter Dooley
 Berkley Doolittle
 Berry Doyle
 Biggert Dreier
 Bilirakis Duncan
 Bishop Dunn
 Blagojevich Edwards
 Blumenauer Ehlers
 Blunt Emerson
 Boehlert Engel
 Boehner English
 Bonilla Eshoo
 Bonior Etheridge
 Boozman Everett
 Borski Farr
 Boswell Fattah
 Boucher Ferguson
 Boyd Filner
 Brady (PA) Flake
 Brown (FL) Jones (NC)
 Brown (OH) Jones (OH)
 Brown (SC) Forbes
 Bryant Ford
 Burr Fossella
 Burton Frank
 Callahan Frelinghuysen
 Calvert Frost
 Camp Gallegly
 Cannon Ganske
 Cantor Gekas
 Capito Gephardt
 Capps Gibbons
 Capuano Gilchrest
 Cardin Gillmor
 Carson (OK) Gilman
 Castle Gonzalez
 Chabot Goode
 Chambliss Goodlatte
 Clay Gordon
 Clayton Goss
 Clement Granger
 Clyburn Graves
 Coble Green (TX)
 Collins Green (WI)
 Combest Greenwood
 Conyers Grucci
 Costello Gutierrez
 Cox Gutknecht
 Coyne Hall (TX)
 Cramer Hansen
 Crane Harman
 Crenshaw Hart
 Cubin Hastings (FL)

Lipinski
 LoBiondo
 Lofgren
 Lowey
 Lucas (KY)
 Lucas (OK)
 Luther
 Lynch
 Maloney (CT)
 Maloney (NY)
 Manzullo
 Markey
 Mascara
 Matheson
 Matsui
 McCarthy (MO)
 McCarthy (NY)
 McCollum
 McCrery
 McDermott
 McGovern
 McHugh
 McInnis
 McIntyre
 McKeon
 McKinney
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Menendez
 Mica
 Millender
 McDonald
 Miller, Dan
 Miller, George
 Miller, Jeff
 Mollohan
 Moore
 Moran (KS)
 Moran (VA)
 Morella
 Myrick
 Nadler
 Napolitano
 Neal
 Nethercutt
 Ney
 Northup
 Norwood
 Nussle
 Oberstar
 Obey
 Oliver
 Ortiz
 Osborne
 Ose
 Otter
 Owens
 Pallone
 Pascrell
 Pastor
 Paul
 Payne
 Pelosi
 Pence
 Peterson (MN)
 Peterson (PA)
 Petri
 Phelps
 Pickering
 Pitts
 Platts
 Pomo
 Pomeroy
 Portman
 Price (NC)
 Pryce (OH)
 Putnam
 Quinn
 Radanovich
 Rahall
 Ramstad
 Rangel
 Regula
 Rehberg
 Reyes
 Reynolds
 Riley
 Rodriguez
 Roemer
 Rogers (KY)
 Rogers (MI)
 Ros-Lehtinen
 Ross
 Rothman
 Roybal-Allard
 Royce
 Rush
 Ryan (WI)
 Ryun (KS)
 Sabo
 Sanders
 Sandlin
 Sawyer
 Saxton
 Schaffer
 Schakowsky
 Schiff
 Scott
 Sensenbrenner
 Serrano
 Sessions
 Shadegg
 Shaw
 Shays
 Sherman
 Sherwood
 Shimkus
 Shows
 Shuster
 Simmons
 Simpson
 Skeen
 Skelton
 Slaughter
 Smith (MI)
 Smith (NJ)
 Smith (TX)
 Snyder
 Solis
 Souder
 Spratt
 Stark
 Stearns
 Stenholm
 Strickland
 Stupak
 Sullivan
 Sununu
 Sweeney
 Tancredo
 Tanner
 Tauscher
 Tauzin
 Taylor (MS)
 Taylor (NC)
 Terry
 Thomas
 Thompson (CA)
 Thompson (MS)
 Thornberry
 Thune
 Thurman
 Tiahrt
 Tiberi
 Tierney
 Toomey
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Visclosky
 Vitter
 Walden
 Walsh
 Wamp
 Waters
 Watkins (OK)
 Watson (CA)
 Watt (NC)
 Watts (OK)
 Waxman
 Weiner
 Weldon (FL)
 Weldon (PA)
 Weller
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Woolsey
 Wu
 Wynn
 Young (FL)

NOT VOTING—32

Baldwin Davis, Tom
 Barr Ehrlich
 Barrett Evans
 Berman Graham
 Bono Hall (OH)
 Brady (TX) Hastings (WA)
 Buyer Kaptur
 Carson (IN) Miller, Gary
 Condit Mink
 Cooksey Murtha
 Crowley Rivers

□ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, on Wednesday, September 4, I was unavoidably detained due to a prior obligation in my district; had I been present and voting, I would have voted “no” on rollcall No. 371 and “yes” on rollcall No. 372.